

### 9.45.050 – Procedure

When the Chief of Police of the City of St. Charles receives two (2) or more police reports community development inspection reports, or any other City data documenting the occurrence of nuisance activity on or within a property, the Chief of Police shall independently review such reports to determine whether they describe acts that meet the definition of nuisance activity. Upon such findings, the Chief may:

- A. Notify the owner, person(s) in charge, tenant, or any local property manager, in the event the property is a rental residential property, in writing, that the property is a potential chronic nuisance property. Such notice shall be provided by either personal delivery or by certified mail, return receipt requested. The Chief of Police shall also send notice by personal service or certified mail, return receipt requested, to the tenant in possession in the event the property is a residential rental property, at the address of the property. The notice shall contain the following information:
  1. The street address or a legal description sufficient for identification of the property.
  2. A statement that the Chief of Police has information that the property may be a chronic nuisance property, with a concise description of the nuisance activities that may exist, or that have occurred. The Chief of Police shall offer the person in charge an opportunity to propose a course of action that the Chief of Police agrees will abate the nuisance activities giving rise to the violation.
- B. If after complying with the notification procedures described herein when the Chief of Police receives a police report, community development inspection report, or any other City data documenting the occurrence of a third (3<sup>rd</sup>) nuisance activity at or within a property and determines that the property has become a chronic nuisance property, the chief of Police shall:
  1. Notify the person in charge in writing that the property has been determined to be a chronic nuisance property. The notice shall contain the following information:
    - a. Demand that the person in charge respond within ten (10) days to the Chief of Police to discuss the nuisance activities and propose a course of action that the chief of Police agrees will abate the nuisance activities given rise to the violation.
    - b. A statement that the Chief of Police has determined the property to be a chronic nuisance property with a concise description of the nuisance activities leading to his/her findings.
    - c. The street address or legal description sufficient for identification of the property.
  2. Service shall be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to the person in charge at the address of the property believed to be a chronic nuisance property, or such other place which is likely to give the person in charge notice of the determination by the Chief of Police.
  3. A copy of the notice shall be served on the owner at such address as shown on the tax records of the county in which the property is located, and/or the occupant, at the address of the property, if these persons are different than the person in charge and shall be made either personally or by first class mail, postage prepaid.
  4. A copy of the notice shall also be posted at the property after the (10) days has elapsed from the service or mailing of the notice to the person in charge, and the person in charge has not contacted the Chief of Police.
  5. The failure of any person to receive notice that the property maybe a chronic nuisance property shall not invalidate or otherwise affect the proceedings under this chapter.
- C. At the meeting between the Chief of Police and the parties notified, the Chief of Police may request that the owner, person in charge, or the tenant(s), and property manager (in the case of a residential rental property), implement a reasonable under the circumstances in its objective, cost, and scope, and shall be implemented within ten (10) days of the meeting with the Chief of Police or such longer period if not practically feasible to do so within (10) days.
- D. If after the notification and the abatement meeting, but prior to the commencement of legal proceedings by the City pursuant to this chapter, a person in charge stipulates with the Chief of Police that the person in charge will pursue a course of action the parties agree will abate the nuisance activities giving rise to the violation , the Chief of Police may agree to postpone legal proceedings for a period of not less than thirty (30) days nor more than ninety (90) days, except in the case of a nuisance activity where a search warrant was executed at the property. If the agreed course of action does not result in the abatement of the nuisance activity or if no agreement concerning abatement is reached within thirty (30) days, the Chief of Police shall commence a legal proceeding to abate the nuisance.
- E. It shall be a violation of this chapter for:
  1. The owner or person(s) in charge of the property, within thirty(30) days of the meeting or such other reasonable amount of time under the circumstance, fail to cause the implementation of a reasonable mitigation or abatement plan as requested by the Chief of Police, or

2. The owner or person(s) in charge fail to respond and meet with the Chief of Police within the ten (10) day period without good cause.
- F. If the nuisance activity complained of has or is being conducted by a tenant residing in or on the property, the Chief of Police may request that the owner evict the tenant. If eviction is requested, the owner shall proceed with such an action in good faith. The City shall assist in the eviction action by reasonably cooperating with the owner, person(s) in charge, or property Maintenance Company, including, but not limited to, providing law enforcement officers or other municipal employees as witnesses regarding the nuisance activity, if relevant.
- G. Concurrent with the notification procedures set forth herein, the Chief of Police shall maintain copies of the notice, as well as any other documentation, which supports legal proceedings.
- H. When a person in charge makes a response to the Chief of Police as required above, any conduct or statements made in connection with the furnishing of that response shall not constitute an admission that any nuisance activities have or are occurring. This subsection does not require the exclusion of any evidence that is otherwise admissible or offered for any other purpose.
- I. The Chief of Police shall have the authority to delegate procedural responsibilities to enforce this ordinance to another member of the Police Department, while maintaining oversight of the process.
- J. If, after complying with the procedures of this section, within one year from the date of the first report of nuisance activity after the meeting, the Chief of Police receives a report documenting the occurrence of a subsequent instance of nuisance activity upon the property; the property may be declared a chronic nuisance property. Subsequent violations will be cited accordingly and brought without delay to either local adjudication of the Circuit Court of Kane County.

(2015-M-27 : § 1; 2007-M-10 : § 1; 2016-M-56 : § 3)